

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ZACHARY A. PARADIS,)	
)	
Movant)	
)	
v.)	Civil No. 05-80-P-C
)	Criminal No. 02-78-P-C
UNITED STATES OF AMERICA,)	
)	
Respondent)	

**ORDER DENYING APPLICATION FOR
CERTIFICATE OF APPEALABILITY**

Petitioner has filed a Motion for Certificate of Appealability (Docket Item No. 15).

Before any appeal herein may go forward under Fed. R. App. P. 22(b)(1), Defendant must obtain a Certificate of Appealability under 28 U.S.C. § 2253(c) from a district or circuit judge. The burden falls on the district judge to act first. I have carefully reviewed the Recommended Decision of the Magistrate Judge (Docket Item No. 13) and have entered my Order Affirming that Recommended Decision (Docket Item No. 17) after my own *de novo* review of the record made in the underlying proceedings at trial.

I now **FIND** that Petitioner has made no substantial showing to date in these proceedings “of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). I conclude that his claims of a violation of his right of due process of law resulting from the actions of the Magistrate Judge in denying his Motion for Rule 6 Discovery and denying his request for an extension of time are without merit.

Accordingly, I **DENY** Movant a Certificate of Appealability.

So **ORDERED**.

/s/Gene Carter
GENE CARTER
Senior U.S. District Court Judge

Dated at Portland, Maine this 20th day of September, 2005.

Plaintiff

ZACHARY A PARADIS

represented by **ZACHARY A PARADIS**
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V.

Defendant

USA

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